

Published Applications filed by Dempsey and Hamid, and requests that the outstanding rejections based on these references be withdrawn.

**The Previously Submitted Information Disclosure Statement**

The outstanding Office Action, in paragraph 1 on page 2, indicated that the Information Disclosure Statement which applicants filed on September 12, 2005 had not been received. Since applicants file indicates this IDS was included with the papers previously filed, and since the PAIR image database available at [www.uspto.gov](http://www.uspto.gov) contained the copy filed, applicants' undersigned attorney contacted the Examiner by telephone on October 31, 2005, and the Examiner indicated that this IDS had in fact been considered and initialed. Applicants note, however, that the copy of the IDS currently contained in the PAIR image database has not been initialed, and application accordingly requests that the Examiner verify that the fact that the prosecution record properly reflects the fact that this IDS was considered by the Examiner.

**The Published Applications filed by Dempsey and Hamid et al. are not prior art**

A Declaration Of Prior Invention Under 37 C.F.R. §1.131 executed by Brent A. Lowensohn is being submitted with this response. This declaration, and the accompanying exhibits, establishes an effective invention date for the subject matter claimed in this application prior to the March 9, 2001 filing date of the provisional application filed by Dempsey and also prior to the May 24, 2001 filing date of the Application filed by Hamid et al. Since Dempsey forms the basis for all of the outstanding rejections of the pending claims, it is submitted that these rejections should be withdrawn in view of the showing made by the accompanying declaration.

It is also noted that the attached declaration also establishes an invention date prior to the effective dates of the following patents which were cited in the Information Disclosure Statement filed by applicant on September 12, 2005:

U.S. Patent 6,836,843 issued to Seroussi et al. on December 28, 2004 based on an application filed on June 29, 2001;

U.S. Patent 6,778,066 issued to Smith on August 17, 2004 based on an application filed on June 29, 2001; and

U.S. Patent 6,774,796 issued to Smith on August 10, 2004 based on an application filed on August 1, 2001.

**Conclusion**

Reconsideration and withdrawal of the outstanding rejections of pending claims 90-116 based on Dempsey is requested in view of the accompanying declaration of prior invention.

Respectfully submitted,



Charles G. Call, Reg. 20,406

Dated: December 21, 2005

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this *Amendment* is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 21, 2005.

Dated December 21, 2005



Charles G. Call, Reg. No. 20,406

USPTO Customer No. 021253

68 Horse Pond Road

West Yarmouth, MA 02673

Ph. (508) 778-2630 Fax (508) 629-6540

call@patentsoft.com